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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 26th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 30 March 2001, at 3 p.m.

Chairperson:	Mr. MENDONÇA E MOURA (Vice-Chairperson)	(Portugal)
later:	Mr. DESPOUY (Chairperson)	(Argentina)

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In the absence of Mr. Despouy (Argentina), Mr. Mendonça e Moura (Portugal), Vice-Chairperson, took the Chair

The meeting was called to order at 3.10 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 9) (continued) (E/CN.4/2001/31*, 32-36, 37 and Corr.1, 38, 39, 40 and Add.1, 41, 42, 43 and Add.1, 44, 45 and Add.1 and Corr.1, 47 and Add.1 and Corr.1, 48, 107, 119, 122, 124, 127-129, 131, 132, 135, 140 and 144; E/CN.4/2001/134-E/CN.4/Sub.2/2001/3 and Add.1-3; E/CN.4/2001/NGO/8, 13, 29, 51, 75, 81, 85-89, 114, 121-124, 129, 136, 153, 156-158, 176, 180 and 183-186; E/CN.4/Sub.2/2000/8; A/55/269; A/C.3/55/5)

1. Mr. BERGH JOHANSEN (Norway) urged the Taliban and the United Front in Afghanistan to put an end to the human rights violations in that country, where the situation of women and girls was of particular concern. Employment, health care and education should be available to all, irrespective of gender. The recent destruction of ancient monuments was a grave violation of the Afghan people's - and indeed the world population's - cultural rights.

2. The human rights situation in Myanmar continued to give cause for concern, although his delegation was encouraged by the recent contacts between Aung San Suu Kyi and the military regime. The latter should engage in a genuine, substantive dialogue with the democratically elected opposition and with representatives of the various ethnic groups.

3. His delegation continued to follow with concern the situation in the Democratic People's Republic of Korea, where fundamental changes were called for. He expressed support for the policy of peace and reconciliation followed by President Kim Dae Jung.

4. The human rights situation in Iraq continued to be an object of serious concern. He urged the Iraqi Government to cooperate more closely with the United Nations in all areas and to initiate reform so as to safeguard its civilian population.

5. His Government was very concerned about the hostilities on the borders between Guinea, Liberia and Sierra Leone. The volatile situation had led to severe human rights abuses against both refugees and inhabitants. The Governments of all three countries should enter negotiations to put an end to the conflict.

6. In Angola, human rights violations continued to be the order of the day within both the National Union for the Total Independence of Angola (UNITA) and government forces. It was crucial to reinstate a functioning judicial system. His delegation appealed to all parties to support the United Nations Human Rights Division in Angola.

7. The war between Ethiopia and Eritrea had been brought to a peaceful conclusion. His delegation urged all the parties to release their prisoners of war and interned civilians and fulfil their commitment under the Algiers Agreement to afford humane treatment to each other's nationals and to persons of each other's national origin.

8. The conflict in the Democratic Republic of the Congo had been accompanied by serious violations of human rights and international humanitarian law, including massacres and torture. The use of rape and arbitrary detention as weapons of war must be condemned. All parties should put an immediate end to the use of child soldiers and should demobilize the children currently serving as soldiers.

9. While pleased that Rwanda had resumed cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and established its own human rights commission, he was still concerned about the lack of civil and political rights and about the situation of the over 100,000 people currently detained for their suspected involvement in the genocide. The Rwandan Government should speed up the proceedings.

10. The recent developments in Zimbabwe, with the gradual erosion of respect for human rights and the general deterioration of the rule of law, were deeply disturbing. The authorities should put an end to the politically motivated violence and lawlessness and restore respect for human rights.

11. The humanitarian crisis in the Sudan was escalating, owing to the combination of continuing conflict and drought. His delegation was also concerned about human rights violations there particularly those pertaining to the amputation of limbs, capital punishment, imprisonment of political leaders and press censorship.

12. The Government of Colombia was to be commended for its efforts to sustain the peace process with the main guerrilla groups. The lack of guarantees for the civilian population to enjoy basic human rights and fundamental freedoms remained a problem, however. The expansion of paramilitary activities could not be condoned, for they endangered the whole peace process. His delegation welcomed the increased commitment by the international community to assist the parties in their efforts towards negotiations.

13. The continued reports of serious human rights violations in Chechnya were of concern. It was regrettable that the Russian authorities had not followed up adequately the provisions of Commission resolution 2000/58. They should embark on serious political negotiations for a peaceful solution to the conflict and should grant the Commission's special rapporteurs and the Assistance Group of the Organization for Security and Cooperation in Europe (OSCE) access to the region.

14. His delegation was encouraged by the democratization in Indonesia, although it observed with concern the human rights situation in such areas as Aceh, the Moluccas, Irian Jaya and Kalimantan. His Government, which was in the process of establishing a bilateral dialogue with Indonesia, had offered to support the country's efforts to improve its human rights situation.

15. Some progress had been made by the Government of the Islamic Republic of Iran in its efforts to promote the rule of law, but the administration of justice was still unsatisfactory and his delegation urged that Government to implement the judicial reforms. The recent curbs on freedom of expression gave reason for concern, since such freedom was a cornerstone of a democratic society and applied to all, including religious minorities such as the Baha'is.

16. China was one of the countries with which his Government had engaged in a constructive bilateral dialogue. Progress was being made towards improving the economic and social conditions of most Chinese and the recent ratification of the International Covenant on Economic, Social and Cultural Rights was a positive step forward. Another welcome development had been the Memorandum of Understanding on technical cooperation between China and the High Commissioner for Human Rights. As well as discussing particular areas of concern, the bilateral dialogue would also deal with the training and control of the police and human rights for prisoners.

17. As for Tibet, his Government attached the greatest importance to the preservation of the culture and religious identity of the Tibetan people.

18. Ms. TAHIR-KHELI (United States of America) said that Mexico's commitment to democracy and political pluralism had made significant gains over the past decade and the first opposition candidate in recent Mexican history had taken office as the freely elected president of his country. The human rights agenda outlined to the Commission by the Minister for Foreign Affairs was broad, ambitious and well conceived.

19. Many challenges lay ahead of Yugoslavia as it sought to rebuild and integrate itself into Europe. Her Government stood ready to work with the Government led by the new president.

20. In Peru, domestic and international criticism of the flawed elections of 2000 had led to the creation of a national dialogue, followed by sweeping democratic reforms.

21. Croatia had continued to improve its human rights record over the past year, although some problems remained.

22. The fact that Ethiopia and Eritrea had ended their border war had clearly improved the human rights conditions for people in both countries.

23. Free and fair presidential elections in Ghana and Senegal in 2000 had permitted opposition candidates to take power in an orderly fashion in both countries.

24. Morocco continued to make human rights an important part of its policies.

25. Nigeria continued to consolidate its return to democracy, while South Africa's commitment to democracy, racial reconciliation and universal human rights was testimony to its resilience.

26. There were, however, a number of countries where universal human rights and fundamental freedoms were neither enjoyed nor respected. Her delegation was sometimes

criticized for speaking about such cases, but it saw it as its duty to help give voice to the voiceless. It thus recognized such individuals as Dr. Oscar Elías Biscet González, who languished in a Cuban jail for peacefully advocating human rights; Aung San Suu Kyi, who remained under house arrest in Myanmar; Rebiya Kadeer, the Uighur business woman convicted in a secret trial in China, apparently for sending newspaper articles overseas to her husband; Ngawang Choephel, the ethnomusicologist convicted in China for filming traditional Tibetan music; and Shagildy Atakov, whose crime appeared to be practising his (Baptist) religion in Turkmenistan.

27. China had substantially liberalized important sectors of its economy in recent years, with resulting dramatic improvements in people's daily lives. Numerous human rights problems remained, however, and in the case of the religious minorities and the Tibetan people the situation had worsened. Her delegation sought no blanket condemnation of China; but human rights abuses that contradicted international norms - such as the demolition of Christian churches and Buddhist temples, the brutal repression of Falun Gong practitioners and the suppression of those calling for democratic government or more cultural and religious freedom in Tibet and elsewhere - must be addressed. Around 1,000 people were still detained for "counter-revolution" although that crime had ceased to exist in 1997. Hundreds of others remained in prison under the State Security Law, while thousands were held in reform-through-labour camps, simply for seeking freedoms that belonged to all.

28. The Government of Cuba systematically violated the fundamental civil and political rights of its citizens. Between 200 and 300 political prisoners remained in prison. The Government had detained over 200 Cubans in December 2000 alone in an effort to stop peaceful celebrations of Human Rights Day. Human rights advocates were regularly harassed, threatened, arbitrarily arrested, detained or defamed. The Government used both internal and external exile against its citizens and there were harsh restrictions on freedom of speech, press, assembly and association. It remained hostile to all who questioned its human rights practices. A case in point had been the two Czech citizens - one a member of the Czech Parliament - detained for three weeks in January 2001 for meeting two Cuban activists. It was hard to fathom how such activities accorded with the "transparent and humane" human rights record recently boasted of by the Cuban Minister for Foreign Affairs.

29. The extraordinary scale of human rights violations perpetrated by the Government of the Sudan demanded the Commission's vigorous condemnation. A long series of reports by special rapporteurs and others had made it clear that the Sudanese Government continued to tolerate, if not encourage, slavery. Many of the women taken north by the Government-backed militias had been raped or forced to become sex slaves. There was also severe religious persecution of non-Muslims and Muslims who deviated from the Government's interpretation of Islam. In addition, the Government had intensified the aerial bombardment of civilian hospitals, schools, feeding centres and other targets over the past year. There had been over 100 such incidents. On some occasions, civilians had been deliberately targeted as they gathered for food distribution.

30. In the Democratic Republic of the Congo, war and uncertainty had further aggravated an already troubling human rights situation. She welcomed the fact that all concerned with the

conflict had agreed to a process that might end the regional violence. It was vital that efforts should be renewed to ensure that the commitments made were met. Meanwhile, human rights abuses, by whomsoever committed, must cease.

31. The Democratic People's Republic of Korea remained another of the world's most serious human rights violators. The people had no right to change their Government, voice their opinions, worship as they pleased, assemble freely or enjoy due process. The Government continued to perceive most international human rights norms as illegitimate, alien and subversive. The Penal Code stipulated capital punishment and confiscation of all assets for a wide variety of so-called "crimes against the revolution". All forms of cultural and media activity were under the strict control of the party.

32. Her delegation was also deeply concerned about the continuing human rights violations in Chechnya. The Russian Federation should make further efforts to comply with Commission resolution 2000/58. Specifically, it should initiate a dialogue leading to a political settlement, establish a national commission of inquiry and facilitate the visits of the United Nations special mechanisms and the OSCE Assistance Group.

33. Over the past several years, the Iranian people had made clear their demands that fundamental civil and political rights be respected in their country. However, those demands were increasingly met with arbitrary arrests, newspaper closures and the use of the judiciary to harass political opponents. The Government remained divided, with hard-line elements continuing to oppose the fundamental desire for freedom. Systematic human rights abuse persisted and the treatment of Baha'is and other religious or ethnic minorities failed to meet international standards.

34. The Iraqi Government remained one of the most repressive in the world. People who voiced dissent faced torture, repression and often death. The regime had no qualms about executing its political opponents, including prominent Shiite leaders. Security forces routinely tortured, beat, raped and otherwise abused detainees. Arbitrary arrest was frequent and freedom of speech, press, assembly, association, religion and movement were virtually non-existent.

35. Although violence, ethnic tension and armed insurrection in several regions had challenged to the utmost the Indonesian Government's ability to provide security for its citizens, the Government could not use those problems as an excuse to commit human rights violations of its own.

36. In Afghanistan, her delegation had consistently and vigorously opposed Taliban policies which crushed the human rights and fundamental freedoms of all Afghans. Their treatment of women and girls was cruel and misguided; keeping women from earning a living outside the home had reduced many families to utter destitution. The condition of Afghan people living in refugee camps was also desperate. As the largest donor to the World Food Programme (WFP), her Government called on other nations to act quickly to avert a rapidly deteriorating humanitarian situation.

37. The Government of Belarus continued to resist the democratic tide that had swept across central and eastern Europe more than a dozen years previously.

38. The people of the United States spoke from over 200 years of experience when they expressed their concern at the suppression of fundamental liberties. Hers was a country with global interests and a deep and abiding concern for the promotion of human rights throughout the world.

39. Ms. GERVAIS-VIDRICAIRE (Canada) said that no State was perfect. There had been and continued to be human rights problems in Canada and much hard work was being done to rectify the situation and to listen to the views of others in that regard.

40. The situation in Afghanistan was amongst the worst in the world. The massacre of innocent civilians at Yakawlang in January 2001 had been an affront to human rights, as was the officially sanctioned mistreatment of women and girls. Full respect for the rights of all ethnic and religious groups was needed.

41. The human rights situation in Myanmar continued to deteriorate. Her delegation was optimistic about the recent steps towards dialogue between the authorities and Aung San Suu Kyi. The authorities should take immediate steps to comply with the recommendations of the International Labour Organization (ILO). Despite recent legislative changes, the practice of forced labour was still continuing, especially in the border areas.

42. The Government of Iraq continued to rule by terror, denying freedom of opinion and expression, imprisoning, torturing and executing political and religious opponents and forcibly displacing and deporting Iraqi citizens. Her delegation urged the Government to issue an early invitation to the relevant Special Rapporteur.

43. In the Sudan, civilians continued to be bombed and forcibly displaced from their homes, women and children were abducted and humanitarian organizations were attacked, held hostage or denied access to those in need. Her delegation urged business enterprises active in the Sudan to adopt and adhere to practices, including codes of conduct, consistent with internationally agreed human rights and labour standards.

44. The Security Council had expressed concern regarding areas in the Democratic Republic of the Congo, controlled by the rebels, especially those supported by the Governments of Rwanda and Uganda. The Lusaka Ceasefire Agreement should be fully implemented and all foreign forces unconditionally withdrawn. The absence of a ceasefire agreement in Burundi was also a matter of concern. Her delegation called on the Government there to investigate the thousands of prisoners held without charge.

45. In Sierra Leone, her delegation was concerned about the regional tensions and the humanitarian crisis affecting the Mano River region. The ceasefire and the stated willingness of the rebels to allow access to the United Nations Mission in Sierra Leone (UNAMSIL) and the Sierra Leonean authority throughout the territory were encouraging, as were the renewed efforts regarding The Truth and Reconciliation Commission and the draft agreement on the special court.

46. Her delegation was pleased to acknowledge the signing of a peace agreement between Ethiopia and Eritrea. It urged the Government of Ethiopia to remove the remaining restrictions

on civil society, the media and opposition parties and commended the establishment of the Ethiopian Human Rights Council. It urged the Government of Eritrea to support the holding of free, multi-party elections in December 2001. Continued reports of arbitrary arrest and detention without trial were a cause for concern.

47. In the Balkans, her delegation was encouraged by the new democratic Government in the Federal Republic of Yugoslavia, by the ongoing reforms in Croatia and by the recent formation of an inter-ethnic Government in Bosnia and Herzegovina. Ethnic violence had been particularly virulent in Kosovo, however, and the rise of ethnic Albanian insurgencies in the Presevo Valley and the Former Yugoslav Republic of Macedonia was a disturbing development.

48. In Côte d'Ivoire, impunity for State security forces, responsible for hundreds of extrajudicial killings, was of particular concern. Detentions and extortion took place throughout the country, aimed mainly at foreigners from neighbouring countries.

49. Her delegation also had concerns about the human rights situation in Togo, which had been heightened by the conclusions of the Organization of African Unity/United Nations International Commission of Inquiry.

50. The human rights situation in Zimbabwe had deteriorated sharply. Over the past year, Government-condoned violence had marred the parliamentary election process and the Government had harassed the judiciary.

51. There were widespread reports of human rights violations by both sides in Chechnya. There should be a quick and transparent investigation of all allegations. The Russian Federation should increase funding and support to human rights investigators in the region, grant increased access to national and international monitors and facilitate the return of the OSCE Assistance Group.

52. In Sri Lanka, the conflict continued, with violations of international humanitarian law by both the Government and the Liberation Tigers of Tamil Eelam (LTTE). Her delegation welcomed the efforts of the Government of Norway to facilitate peace talks. The continued impunity enjoyed by the security forces remained a cause for concern.

53. In Indonesia, the situation in Aceh and Irian Jaya remained a concern, as did the plight of some one million internally displaced people. The Aceh security agreement was encouraging, but the human rights impact of planned security operations was a cause for concern. The recent legislation on human rights tribunals was welcome. Her delegation urged the Government to respect its commitment to establish a special tribunal for East Timor.

54. Her delegation welcomed the recognition by the President of Guatemala of State responsibility for a number of human rights violations but remained concerned at increasing threats to human rights defenders and others over recent months.

55. The scale and frequency of restrictions on the freedom of expression, association and religion in China, especially in Tibet and Xinjiang, were a matter of concern, as were the continued application of the death penalty for non-violent crimes, the harsh sentencing of

dissidents and restraints on the activities of trade unions. Her delegation welcomed China's recent ratification of the International Covenant on Economic, Social and Cultural Rights but regretted the accompanying declaration. It also welcomed the Memorandum of Understanding between China and the High Commissioner.

56. Her delegation commended the ratification by Saudi Arabia of the Convention on the Elimination of All Forms of Discrimination against Women. It was to be hoped that the country would lift its reservations to that and other international human rights treaties and would cooperate with the human rights mechanisms. The high incidence of executions and corporal punishment was also a matter of concern.

57. There had, regrettably, been no substantial improvement in the respect for political and civil rights in Cuba over the past year. Individuals continued to be harassed, detained and imprisoned for peaceful political activities. Measures to control non-violent dissent had intensified. The Cuban Government should give greater opportunity for freedom of expression and expand its dialogue with the Church and other members of its nascent civil society.

58. In Iran, the President's plans for a tolerant and democratic society faced significant challenges, with serious attacks on freedom of the press and political freedom. It was to be hoped that the Government would accept the request for a visit by the Special Representative. Her delegation was concerned by the continuing discrimination against Baha'is and the lack of transparency surrounding the Shiraz trials.

59. In Colombia, the recent efforts to revive the peace process were commendable, but the escalation of the conflict, in particular the increased number of killings and other abuses of international humanitarian law by both sides against human rights defenders, trade unionists and journalists, gave cause for concern as did the continued recruitment of child soldiers. Her delegation called on the Government to bring the perpetrators to justice and to sever any links with the paramilitary.

60. Her delegation was worried by recent demonstrations and violence in Haiti and called on the new Government to ensure respect for human rights. Although the United Nations presence had recently ended, continued monitoring and assistance on human rights would be advisable.

61. The military government of Pakistan should implement the reforms necessary to protect human rights and implement its commitments to the transition to democracy. Serious human rights violations affecting women and religious minorities remained common. The adoption of the National Plan of Action for the Elimination of Child Labour was commendable.

62. Many concerns remained about Cambodia, including political violence during serious armed clashes in November 2000. The Government should ensure that the commune elections of 2002 were peaceful and should assist the new Special Representative in carrying out his mandate. Recent legislation to establish a tribunal for war crimes of the Khmer Rouge period was welcome.

63. Although her delegation commended the Vietnamese Government's demonstrated willingness to allow peaceful demonstrations and a recent general assembly of Protestant Christians, it remained concerned about the rights of ethnic groups and the limitations on political and religious freedoms.

64. Her delegation continued to be concerned about the human rights record of the Democratic People's Republic of Korea. In February 2001, the Republic and Canada had established diplomatic relations.

65. Mr. Despouy (Argentina) took the Chair.

66. Mr. KHABBAZ-HAMOUI (Syrian Arab Republic) said that the number of human rights violations and the number of countries committing such violations seemed to be growing rapidly. There was a suspicion, however, that some countries used human rights as a pretext to interfere in the internal affairs of other countries. Such behaviour tended to distract attention from major violations, such as forcible annexation, which affected the basic rights to life, food, education, self-determination and development.

67. It was regrettable that some countries used the Commission to mock the world with double standards, not mentioning violations by countries that were their friends. Violations by Israeli forces on the Lebanese border, for example, and the continued occupation of farms in southern Lebanon were a case in point. Lebanese citizens were imprisoned and tortured. Death and mutilation were caused by the tens of thousands of landmines sown by Israel before its withdrawal, yet that country would not provide the United Nations with maps showing their location. Nor would it allow the International Committee of the Red Cross (ICRC) to visit detainees. That was a flagrant violation of Security Council resolutions 242 and 338 and of the Fourth Geneva Convention.

68. His delegation deplored the references made to his country in the statement by the European Union, which was an irritating repetition of previous statements devoid of any justification in fact. Measures had been taken to respect and consolidate various freedoms and build the rule of law, despite the heavy burdens of the situation inherited from the Israeli occupation. He hoped that in the future such statements would not ignore Israeli human rights violations but would be objective, thus ensuring that the Union could retain its credibility.

69. Mr. QIAO Zonghuai (China) said that China's human rights achievements - which were due to decades of unremitting efforts tailored to the country's specific circumstances - had attracted worldwide attention. His Government had succeeded in eliminating extreme poverty in all but a few remote areas of China. Two "historic leaps" had been achieved: from poverty to adequate clothing and food, and then to a fairly comfortable standard of living.

70. His Government also attached great importance to strengthening the rule of law and protecting the civil and political rights of its people. The legal system had been reinforced, with the promulgation of legislation at all levels, including legislation to strengthen the protection of human rights. Efforts were also being made to deepen the reform of the judiciary, to increase transparency in police and court proceedings and prison administration, and to ensure greater accountability. Corruption and favouritism were being outlawed and legal justice made a priority. Reform of the political system would be intensified to pave the way for democratic elections.

71. His Government attached importance to protecting religious freedoms and had funded the renovation of places of worship. Tibet boasted more than 1,700 temples and monasteries and 46,000 professional clergy. Indeed, five major religions coexisted in China, with the number of believers having increased to over 100 million. Freedom of speech was also guaranteed, and the positive role played by the media was encouraged. China was also among the leading countries with respect to the development of the Internet and its public access. There were more than 200,000 major non-governmental organizations (NGOs) in China, some of which had participated in international forums.

72. His Government was committed to international exchanges in the field of human rights and had signed a Memorandum of Understanding on technical cooperation with OHCHR. It had recently adopted a decision on the ratification of the International Covenant on Economic, Social and Cultural Rights and had signed the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict. Fruitful dialogue with dozens of countries reflected his Government's firm determination to promote and protect human rights.

73. Allegations by the United States and the European Union that the human rights situation in China was deteriorating were completely groundless; in fact, it was at its optimum. Regrettably, the United States - out of domestic political considerations - had tabled yet another anti-China draft resolution designed only to provoke confrontation. Under the pretext of protecting human rights, and in an attempt to exert political pressures on other countries, the United States frequently indulged in blatant accusations. At the same time, it turned a blind eye to its own serious human rights problems: entrenched racial and gender discrimination, an ever-widening divide between rich and poor, police violence, guns abuse and judicial injustice. The United States had failed to ratify the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, and had been the only Western country to vote against the Declaration on the Right to Development.

74. The United States Government also adopted double standards in respect of evil cults mobilizing armed forces to crack down on the Davidians in its own country, while criticizing the Government of China for its handling - in accordance with Chinese law - of the Falun Gong. The Chinese Government had helped the majority of Falun Gong practitioners to return to their senses, while the United States Government had allowed the cult to establish its headquarters in the United States.

75. That Government's concern for human rights was pure sham; what it really practised was power politics. Its delegation's misuse of country-specific resolutions constituted interference in

the internal affairs of other countries, ran counter to the spirit of the Charter and was doomed to failure.

76. Ms. NASCIMBENE DE DUMONT (Argentina) said that the issue of Cyprus would remain on the Commission's agenda until such time as the problem of refugees and displaced persons was resolved, the missing persons issue investigated, property returned and freedom of movement and residence restored.

77. She reiterated her delegation's support for the Secretary-General's good offices mission and urged the parties to negotiate to achieve a settlement based on a State of Cyprus with a single sovereignty and international personality as outlined, inter alia, in Security Council resolution 1179 (1998).

78. Mr. KNOTHE (Poland), having endorsed the statement of the European Union, said that the international community must improve the effectiveness of universally accepted human rights mechanisms. Despite the growing prominence of human rights at the national and international levels, the situation remained of major concern for the world community. Rhetorical support for human rights all too often went hand-in-hand with their gross and systematic abuse and there were too many places in the world in which human rights continued to be negated, or where progress was too slow.

79. The globalization of human rights issues was not only unavoidable, it was even desirable. A nation's treatment of its citizens was a legitimate concern of the international community. When methods of dialogue did not suffice, the international community had to seek other means of preventing continued violations of human rights. The Commission should, however, discuss all situations of concern without selectivity. His own delegation intended to play an active part in the monitoring of human rights situations.

80. Mr. RAZZOOQI (Observer for Kuwait) said that since certain Member States failed to adhere to the principles enshrined in the Charter, new ways of enforcing international humanitarian and human rights law must be found. His delegation welcomed the report of the Special Rapporteur on the situation of human rights in Iraq (E/CN.4/2001/42), particularly the section on Kuwaitis unaccounted for since the time of the Iraqi occupation of Kuwait. Since there were still more than 600 such persons, his country's fortieth anniversary of independence and tenth anniversary of liberation from Iraq had been tinged with melancholy. Moreover, after the expulsion of the Iraqi forces, Kuwait had been faced with a catastrophic humanitarian situation. Iraq continued to hamper the work of the Tripartite Commission, boycotting its meetings for more than two years. It also continued to refuse to cooperate with Security Council resolutions on repatriation issues. Iraq must not be allowed to escape its responsibilities. It was to be hoped that the Iraqi Government would cooperate with the Special Rapporteur, listen to the voice of reason and take steps to resolve the humanitarian issue. His delegation urged all peace-loving people to intensify efforts at all levels to secure the release of all prisoners of war and their return to their loved ones.

81. Mr. NASR (Observer for Lebanon) said that the Government of Israel, which continued to show contempt for United Nations resolutions, had made no progress on the issue of the Lebanese detainees being held without trial and subjected to solidarity confinement and torture, and had denied the ICRC access to them.

90. In Myanmar, the discussions under way between the Government and Aung San Suu Kyi were welcome, as was the news of the current visit to the country of the relevant Special Rapporteur. The overall situation in that country continued to be of concern, however, with reports of forced displacement, forced labour and disproportionate prison sentences. His Government was currently working with the Myanmar authorities on human rights education.

91. His delegation regretted the decision of the High Commissioner for Human Rights not to seek a second term and supported her call for increased funding of human rights work from the regular budget of the United Nations.

92. Mr. FARRELL (Observer for New Zealand) said that his delegation remained concerned at the ongoing ethnic conflicts in Kosovo and along the borders of Serbia and the former Yugoslav Republic of Macedonia. It strongly supported the work of the International Criminal Tribunal for the Former Yugoslavia.

93. While welcoming the progress made in East Timor, his delegation was concerned that few of those responsible for human rights abuses had been brought to justice. He urged Indonesia to address outstanding security concerns in West Timor which continued to impede refugee return and resettlement.

94. He welcomed the steps taken to consolidate democratic gains in Indonesia and called on the Government to take effective steps to end the ethnic, social and religious violence there. The situations in Aceh and Irian Jaya were also of serious concern. He urged all parties to resolve their differences peacefully.

95. While positive development had taken place in Myanmar the overall political and human rights situation remained of serious concern. In Cambodia, human rights violations by the Khmer Rouge remained to be addressed. He urged the Government to complete the establishment of the tribunal to hear charges against the Khmer Rouge leaders.

96. While welcoming the progress made in China towards greater recognition of civil and political rights, he expressed concern at the reports of continued violations of, inter alia, freedom of association and expression and the treatment of Falun Gong practitioners. He urged the Government of China to enter into a dialogue with the Dalai Lama and to consider ways in which Tibetan people could better express its identity.

97. The deteriorating situation in Israel and the occupied territories was of serious concern. The use of excessive force by the Israeli Defence Force and its policy of assassinations should be halted immediately, as should the further expansion of Israeli settlements. Both parties should bring to justice those responsible for human rights violations.

98. His delegation was concerned by reports of systematic human rights violations in Iraq and called on the Government of that country to utilize fully the oil-for-food programme to alleviate the suffering of its people.

99. It was also disturbed by the deteriorating human rights situation in Iran and it urged the Government to protect the rights of religious minorities under the Constitution.

100. His delegation would distribute the full text of its statement which also covered the situations in Afghanistan, Zimbabwe and other African countries, Chechnya and the South Pacific. His Government was committed to advancing human rights at home and abroad.

101. Mr. VIKIS (Observer for Cyprus) said that the report before the Commission (E/CN.4/2001/31*) would have been more useful if it had focused more on providing information on the implementation of previous Commission resolutions on the subject, as requested by Commission decision 2000/103.

102. Turkey's contempt for the resolutions of the General Assembly and Security Council was evident. It alone did not recognize the Government of the Republic of Cyprus as the legal Government of the entire island. It alone recognized the puppet regime it had set up in the occupied zone.

103. The solution envisaged in the resolutions of the United Nations would, inter alia, restore the territorial integrity of Cyprus and respect for the human rights of all Cypriots, particularly the nearly 200,000 who had been displaced and whose homes had been given to illegal settlers from Turkey.

104. Turkish Cypriots had responded to the invasion by leaving Cyprus in large numbers. In so doing, they had allowed their country to be colonized. The 55,000 Turkish Cypriots who had left since 1974 had been replaced by more than 115,000 settlers, mostly from mainland Turkey, most of whom had been given "citizenship" by the illegal regime. The demographic change in occupied Cyprus was a deliberate policy aimed at creating a fait accompli.

105. His delegation had aligned itself with the statement made on behalf of the European Union on the understanding that the letter and spirit of the resolutions of the United Nations in general and the Security Council in particular must be fully respected. It would be unacceptable and extremely dangerous to allow any misrepresentation of the binding nature of those resolutions.

106. Mr. KARAITIDIS (Observer for Greece) said that the systematic violation of human rights in the territory occupied by Turkey was an issue of grave concern. The nearly 200,000 Greek Cypriots displaced by the Turkish invading forces were still prevented from returning home. The violation of the status quo in Strovilia still persisted.

107. Only some 500 of the 20,000 Cypriots and Maronites who had chosen to stay in the area occupied by Turkey had managed to remain there. In an effort to alter the demographic balance, over 110,000 settlers from Turkey had been transplanted to the occupied part of Cyprus and given property taken from the Greek Cypriots. The cultural heritage was being systematically destroyed. The fact that much of the destruction involved Christian churches and monuments was a clear expression of religious intolerance.

108. Despite five rounds of proximity talks, the Turkish side persisted in its non-constructive attitude, fuelling the intransigence of Mr. Denktash. His delegation agreed that, nonetheless, there still remained a window of opportunity for reaching a settlement.

109. The international community should not merely call on all sides to find a solution, for one side already accepted the Security Council resolutions. Rather, it should endeavour to persuade Turkey so that a settlement could be achieved for the establishment of a bi-zonal and bi-communal federation.

110. Ms. BOSKOVIC-PRODANOVIC (Observer for the Federal Republic of Yugoslavia), focusing on the human rights situation in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia, said that her delegation fully supported the need for a regional approach to the problems of the countries concerned. It hoped that the Stability Pact would soon be implemented and appealed to all members of the Commission to support the concept. Her Government was prepared to cooperate with the representatives of the international community in that regard.

111. Her delegation believed that the report on the situation of human rights in the former Yugoslavia (E/CN.4/2001/47 and Add.1) accurately depicted the situation in Kosovo; the recommendations concerning the need for strict implementation of Security Council resolution 1244 (1999) were of particular importance. The continuing violence by Albanian extremists in southern Serbia was a grave threat to the process of consolidating democracy in her country and was preventing the Government from dealing with the need for economic reform and the establishment of the rule of law. Her Government was committed to respect for the ceasefire agreement in the demilitarized zone and considered it essential to enter into a dialogue with the representatives of the Albanian community in Serbia.

112. Her Government had accepted all the Conventions on human rights to which the Socialist Federative Republic had been a party and had enacted a series of laws aimed at building democratic institutions and strengthening the rule of law. Many Albanians had been released as a result of the passage of the new amnesty law; regrettably, there did not seem to be much concern for the fate of the 1,300 missing Serbs or those abducted daily in Kosovo.

113. Her Government was taking steps to establish cooperation with the International Criminal Tribunal for the Former Yugoslavia and had agreed that the latter should open an office in Belgrade. A working group was currently drafting a law so as to facilitate further cooperation.

114. It had also designated an observer to the Tribunal. It presumed that the Prosecutor's Office would pursue an impartial policy with regard to the prosecution of war criminals, and that it would thoroughly investigate cases where there was reasonable suspicion that the military forces of NATO had committed war crimes. It also called for a thorough investigation of the crimes committed in 1995 by the Croatian Armed Forces.

115. Her delegation supported the initiative submitted by the Prosecutor's Office to the Security Council for the enlargement of its mandate to include crimes of ethnic cleansing against the remaining Serb and other non-Albanian population committed after the deployment to Kosovo of the International Security Force in Kosovo (KFOR).

Statements in exercise of the right of reply

116. Ms. KASYANJU (Observer for the United Republic of Tanzania), referring to the statement made by the representative of Sweden on behalf of the European Union, said that recent problems in her country were the result not of human rights violations but of a political row resulting from the failure of the opposition, lead by the Civic United Front (CUF) to accept the results of the recent elections. The latter had masterminded some 19 bombings in the country and, demanding a re-run of the elections and the amendment of the constitution, had organized illegal demonstrations. In the incident in question the police had clashed with armed demonstrators trying to overrun a police station in order to seize arms. The police had first tried to disperse the demonstrators with tear gas and rubber bullets.

117. Demonstrations were permitted in her country but the police could ban demonstrations which they believed might lead to a breach of the peace. Since the demonstrations contravened the law, persons suspected of participating had been arrested. Some were still in custody pending investigation, but allegations that they had been assaulted were untrue. She pointed out that a serious dialogue between the Government and the opposition was under way and was proceeding well.

118. Ms. GLOVER (United Kingdom), referring to the statement made by the observer for Iraq, said that it was not the sanctions that were causing suffering but the Iraqi Government's lack of cooperation with the oil-for-food programme. The Secretary-General's latest 90-day report on that programme was a damning catalogue of the regime's disregard for its own people. According to it, the Government had the funds to address the nutritional and health needs of Iraqi children. Only 5.8 per cent of the US$ 6 million available had been taken up, and over $1 billion worth of humanitarian contracts approved by the Sanctions Committee had not yet arrived in Iraq because of bureaucratic delays. Excessive delays in the issuance of visas for United Nations staff members was affecting the implementation of the programme in the northern part of Iraq.

119. The fine words regarding cooperation with the Tripartite Commission had not been followed by action, indeed the Iraqi delegation had not attended meetings of that Commission.

120. Mr. REYES RODRÍGUEZ (Cuba) said that, every year in the Commission, States members of the Group of 7 sought to argue that the countries of the South were inferior and barbarous. Quite cynically, those States turned a blind eye to the realities in their own countries. They made no mention of the institutionalized racism in the United States of America, where 5 million people were homeless, 36 million lived in poverty, 30 million had no health insurance cover, 30 million were illiterate, one quarter of the world's prison population was to be found, and where more than 50 per cent of those in prison and 98.5 per cent of those sentenced to death in the past 20 years were of Afro-American descent.

121. In Canada, the ancestral rights of the indigenous peoples had been continually denied to the point where many of them had been virtually wiped out, and those that remained lived in poverty, were discriminated against and marginalized; Canada also treated immigrants in an increasingly discriminatory manner.

122. The observer for Sweden, speaking on behalf of the European Union, had referred disparagingly to 46 countries, but failed to mention that most of them were former colonies and that most of their problems originated in the violence of conquest. He had also failed to mention that in the European Union, where fascist and neo-Nazi parties proliferated, there was growing xenophobia and violence against immigrants, unfair and selective deportation policies, child prostitution, paedophilia and the promotion of sex tourism.

123. Rather than purveying their demagogy and hypocrisy the industrialized countries would do better to devote themselves to counting their electoral votes more accurately and curing the madness of their cows.

124. Mr. CARLOS (Observer for Mozambique) said, with reference to the statement by the observer for Sweden on behalf of the European Union, that violations of human rights were a matter of concern to his Government, which had condemned the clashes that had taken place in Montepuez in November 2000, leading to many deaths. The Mozambique parliament had set up a commission of inquiry which was investigating the incident. That investigation, which was still under way, had the support of civil society, and its preliminary results had led to a number of people being arrested. His Government had requested the assistance of Interpol in its investigation into the assassination of the prominent journalist, Mr. Carlo Cardoso. As a result, six suspects had been arrested. His Government took the view that such investigations must be carried out in a fair and transparent manner in order to ensure respect for human rights and fundamental freedoms.

125. Mr. HUSSAIN (Observer for Iraq) said that the representatives of the United States of America, the United Kingdom and a number of other countries, including Kuwait, had referred to the human rights situation in his country. They had not, however, seen fit to note that the suffering of Iraq and the Iraqi people was due to the genocide which the United States and the United Kingdom had been carrying out through the cruel embargo and repeated bombings which had led to the deaths of more than 1.5 million people. Bombing of Iraqi economic institutions and facilities continued, preventing the Iraqi people acquiring the food and medicines they needed.

126. The observer for Kuwait had alleged that Kuwaiti prisoners were still being held in Iraq. Kuwait had, since January 1991, been employing mercenaries and carrying out attacks on Iraq which had caused substantial damage to his country's installations and facilities and killed many Iraqis, including children. In March 1991, Iraq had released Kuwaiti and non-Kuwaiti prisoners, and had worked with all parties to the conflict and the ICRC since the formation of the Tripartite Commission. When the United States and the United Kingdom attacked Iraq militarily in 1991, Iraq ceased to participate in meetings of the Tripartite Commission, but that did not mean that it shirked its responsibilities. Iraq was quite prepared to cooperate directly with Kuwait and the ICRC in order to resolve the problems. Kuwait was using allegations concerning prisoners as a pretext to extend the economic embargo against Iraq and to steal Iraqi oil.

127. Mr. TANDAR (Observer for Afghanistan) said that the small delegation of Norway might not have had time to read the report on the situation of human rights in Afghanistan (E/CN.4/2001/43 and Add.1) before asking his own Government to put an end to massive and

serious violations of human rights it had not committed. If the report in question did not satisfy the delegation of Norway, he would be happy to furnish it with the report considered by the Commission at its fifty-sixth session.

128. Mr. CHOE Myong Nam (Observer for the Democratic People's Republic of Korea) said that his delegation categorically rejected the preposterous allegations made by the representatives of the United States of America, Canada and Norway, which had been based solely on political motivations and had nothing to do with human rights. If the United States was genuinely interested in human rights it should first recognize its responsibility for the pain and suffering experienced by the people of his country due to national division, economic sanctions and military threats, which had been imposed by the United States for the past half-century, and then apologize.

129. Although the United States accused other countries every year of human rights violations, the United States was itself the world's most notorious violator of human rights. Many population groups in that country were unable to exercise their right to participate in the activities of the Government and due process because they had no money. They were deprived therefore of any opportunity to express their views or opinions freely. The United States was still not a party to the Convention on the Rights of the Child, and lagged far behind other countries in implementing the major international human rights instruments.

130. In the United States, more than 30 million people lived below the poverty line, millions were unemployed and homeless, and 1.5 million prisoners were subjected to torture and degrading treatment. Murder and drug abuse were rampant. All such violations of human rights were the inevitable consequence of the United States Government's anti-people policy. That was why no one paid any attention when the United States kept urging other countries to observe human rights standards. The United States would be better advised to rectify its own human rights violations rather than to point the finger at other countries.

131. Mr. HILAIRE (Observer for Haiti) said that his delegation had taken note of the statement by the representative of Canada and wished to provide further information regarding the recent violence that had been mentioned. The situation had calmed down following an appeal by President Aristide and the efforts of the national police.

132. With regard to the references to the rights of individuals, a number of difficulties persisted due to the socio-political structure of the country, and they were not to be imputed to the new administration, which was committed to ensuring full respect for human rights.

133. As for the controversy stemming from the legislative elections of 2000, the Government had made a number of proposals to deal with the situation by means, for example, of elections to be held in 2002 to renew one third of the Senate and the entire Chamber of Deputies. Haiti's President and Prime Minister attached great importance to dialogue as the only way of bringing peace to the country and of establishing Haiti as a State based upon the rule of law.

134. Mr. SAHRAOUI (Algeria) said that his country had been mentioned the previous day by two NGOs. The questions they had raised had been treated with transparency and complete independence by the Algerian domestic mechanisms, and access to remedies was guaranteed and

implemented fully. The results of investigations and inquiries were conducted in full impartiality and were regularly communicated to the mechanisms of the Commission on Human Rights. It was therefore regrettable that certain NGOs gave credence only to sources which supported their prejudices and rejected all those which might contradict them. It was particularly regrettable since the information gained thereby was often based on rumour and unverified fact which were embellished for political reasons.

135. It was also curious that the situation of human rights in Western countries seemed not to engage the concern of such NGOs, which in many cases were run by apparatchiks paid out of public funds. The World Organization against Torture had still not replied to the letter sent to it by the Algerian Ambassador on 16 April 1999. The interest which the International Federation of Human Rights Leagues had shown in the Algerian people was very suspect: it had turned a blind eye to the sufferings of the Algerian people during its war of liberation. On a number of occasions, his Government had called upon the Federation to make a statement regarding its colonialist record between 1922, when it was established, and 1962, when Algeria had gained its independence. It had still to do so.

136. Mr. SUNGAR (Observer for Turkey) said he had a feeling that the international community was becoming increasingly confused by the debate on Cyprus. Some basic facts might make it easier for participants to understand the issues. No matter what Greece and the Greek Cypriots claimed, there existed in the island two equal peoples of different language, culture and religion, as well as two separate and sovereign States with democratic structures. That was why there were proximity talks under the auspices of the United Nations, and that was why the United Nations Secretariat was trying to be even-handed in its dealings with both authorities in the island.

137. That reality was not reflected in the existing status quo. The Greek Cypriot administration was unfortunately recognized as the sole and legitimate Government of Cyprus, and that was interpreted as a green light to subject the Turkish side to all kinds of inhuman embargoes. It was the root cause of Greek Cypriot intransigence. The Greek Cypriots still considered the Turkish Cypriot people as a minority, and therefore refrained from recognizing their sovereign equality.

138. It should not be forgotten that there had been peace and security in Cyprus for the past 26 years, and that its preservation was vital to the stability of the East Mediterranean. That preservation could be obtained only by a meaningful dialogue between two equals. Once the two sides had reached an agreement on basic principles, the world would see that all other complaints and allegations would become irrelevant.

139. Mr. CHEPSIROR (Kenya) said that his delegation wished to correct an erroneous impression created by some remarks regarding the situation of human rights in Kenya of the observer for Sweden on behalf of the European Union. While it was true that there had been a number of incidents in Kenya recently where the police had had to disperse political gatherings organized by militant groups, it was certainly not true that that was evidence of a pattern that pointed to an increased number of violations of human rights in Kenya, as had been alleged. When exercising the rights of freedom of assembly and association, individuals and political groups had to observe the laws that were in force to maintain public security and order.

140. The freedom of the press in Kenya had resulted in the past decade in the emergence of thriving electronic and print media, but the exercise and enjoyment of the right of freedom of the press was accompanied by a duty on the part of the press to avoid publishing articles or information that were false or alarming or likely to incite and/or provoke. Any breach of that duty must of necessity attract the sanctions of the criminal law process.

141. As for reported cases of deaths in police custody or in prisons, his delegation wished to assure the Commission that judicial inquests into the deaths were being conducted. Any individual police or prison officer implicated had been or would be charged. It was hoped that the introduction of a human rights component into the training of police officers would considerably reduce incidents of torture and deaths in police custody. As democracy continued to expand in Kenya, tolerance and the accommodation of different political views were seen to be increasingly reducing the resort to political violence.

142. Mr. AL-ASKAR (Observer for Kuwait) said that the observer for Iraq must surely know that his country's armed forces had invaded Kuwait and had refused to withdraw therefrom in implementation of a resolution by the Security Council. War had broken out, and Iraq had eventually had to accept a ceasefire.

143. Ever since then, Iraq had refused to meet its moral and legal commitments under the Charter of the United Nations and other international human rights instruments. How could the observer for Iraq deny that Kuwaiti prisoners were still being held in Iraq? If Iraq was serious in its support of the cause of human rights, it should participate in the meetings of the Tripartite Commission.

144. Mr. MOOSE (United States of America) said that he would not dignify by a response the allegations made against his country by the observer for Iraq but would restrict himself to stating what the world already knew. It was the authorities in power in Iraq who deserved full blame and responsibility for the unacceptable suffering of the Iraqi people. It was Iraq that continued to defy the decisions of the Security Council, and continued its refusal to cooperate with the measures put in place by the Council to respond to the very real needs of the Iraqi people.

145. The regrettable fact was that the international community, including the United States of America, had done far more to demonstrate its concern for the welfare and well-being of the people of Iraq than had Iraq's own leaders.

146. Mr. VIKIS (Observer for Cyprus) said, in reply to the statement made by the observer for Turkey that his delegation wished to recall a number of facts: Turkey had invaded Cyprus militarily in 1974, and still occupied 40 per cent of its territory; Turkey had been condemned by numerous resolutions of the Security Council and General Assembly, calling for the withdrawal of Turkish occupation troops and the restoration of human rights in Cyprus.

147. Turkey had persistently refused to comply, and Europe's first manifestation of ethnic cleansing had taken place in Cyprus, with 200,000 Greek Cypriots being forcibly expelled from their homes and lands. The 40,000-strong Turkish occupation army remained on the island; and the fate of about 1,500 Greek Cypriots who were still missing remained to be determined. By ignoring those facts Turkey was not helping to find a solution to the Cyprus problem. The

observer for Turkey had referred to the proximity talks, but they were not currently in progress because the Turkish side had pulled out of them. His Government called on Turkey to return to the proximity talks as soon as possible.

148. Mr. KARAITIDIS (Observer for Greece) said that the observer for Turkey had not answered the question as to whether his Government was ready to implement Security Council resolutions so that a comprehensive, just and accepted settlement could be achieved in a free and united Cyprus which would safeguard the fundamental human rights and freedoms of all Cypriots.

149. Mr. NGOUBEYOU (Cameroon) said that the representative of the International Federation of ACAT had spoken of nine young people suspected of stealing a domestic gas cylinder who had been arrested by the security forces in Douala, executed and incinerated. That organization had merely repeated some increasingly persistent rumours about the disappearance of nine young people in Douala. Once the information had reach Yaoundé, the President of Cameroon had ordered an inquiry and set up a Commission to look into the matter. If that inquiry found that the rumours were accurate, the case would be brought before the court and those responsible would be given severe and exemplary punishment. As a preventive measure, the Government had already issued a ban on anyone suspected of being involved in the affair from leaving the country.

150. Violence was not a method of governance in Cameroon and it was difficult to see what interest the authorities would have in killing nine young people for involvement in the theft of a domestic gas cylinder. That was absurd. Nevertheless, his Government would inform the Commission of the results of the inquiry.

151. Mr. HUSSAIN (Observer for Iraq) said that Iraq had no reason to hold Kuwaiti prisoners, and was not holding any. The question of compensation had already been dealt with, and other objectives were currently involved which had nothing to do with the matter. Kuwait had recently agreed with the United States of America that it would extract more oil in the north, and it had begun to do so. Iraq had implemented all relevant United Nations resolutions, while Kuwait had been setting up military bases from which to launch incursions against Iraq.

152. As far as the statement by the representative of the United States of America was concerned, he merely wished to ask why that country had suspended the implementation of contracts that would have made it possible to ensure supplies of food to the Iraqi people. What had been said in connection with the air raids against Iraq was very offensive to his delegation.

153. Mr. AL-ASKAR (Observer for Kuwait) said that the observer for Iraq was repeating the same allegations over and over again. Facts, not words, were what was wanted. Iraq was merely being asked to implement the dozens of resolutions of the Security Council, the General Assembly and the Commission on Human Rights. His delegation had in its possession a number of documents which confirmed that Iraq did not recognize the existence of Kuwait. His Government demanded the return of all Kuwaiti prisoners being held in Iraq.

The meeting rose at 6.15 p.m.